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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,566	11/14/2003	Robert Field	1721.004US1	1775

21186 7590 04/12/2006

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH  
121 S. 8TH STREET  
SUITE 1600  
MINNEAPOLIS, MN 55402

EXAMINER
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NGUYEN, KIEN T

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/714,566

Applicant(s)

FIELD ET AL.

Examiner

Kien T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon U.S. Patent 6,558,264 in view of Blair et al U.S. Patent 5,462,505.

Gordon disclosed an apparatus comprising a first inflatable section (62, 65, 68, 71, and 74) having an interior; a second inflatable section (41) attached to the first section and having an interior that is separated from the interior of the first section via baffles (47); a third inflatable section (59) attached to the second side of the first section and having an interior that is separated from the interior of the first section via baffles (50); the first inflatable section includes a top surface (86) defining a slide as shown in Fig. 1; the second section includes a lower surface resting on a ground surface and a side surface attached at least half-way up a side of the first section; a third inflatable section (38) attached to the first section and Fig. 5 shows the third section does not have direct communication with air flow; and a valve (75) for introducing air into the apparatus. It is noted that Gordon failed to teach holes between the seams of the first and sections to restrict the airflow between the sections if the airflow is stopped the second section will not deflate as fast as the first section and a blower as set forth in these claims. However, Blair et al, in Figs 3 and 4, teach an inflatable amusement device comprising a plurality of inflatable members connected together, a blower (34)

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running continually, and a plurality of valves or holes (102) between the seams of the inflatable members for preventing all of the air from members from escaping.

Therefore, it would have been obvious to provide the apparatus of Gordon with the blower (34), and the valves (102) as taught by Blair et al for the purpose of enhancing the safety for the user.

Regarding claims 6-10, 14-16, it is noted that Gordon failed to specifically teach the dimension of the slide as set forth therein. However, Gordon disclosed that the inflatable wedge may be used by adults (see abstract). Accordingly, it would have been a matter of design choice to manufacture the slide of Gordon with any desired dimension for the purpose of accommodating different types of user as set forth in the abstract.

Regarding claims 20-23, the above explanation would constitute the recited steps as set forth in these claims.

### ***Response to Arguments***

In response to the new limitation "the apparatus of a type such that the apparatus is safely usable as long as the blower is continually running", the expression "safely usable" is merely a relative term. There is no structure or standard of what is "safely usable" in the specification of the present application. Regarding applicant's assertion that "if a continually running blower were attached to the Gordon device while it was in use, the air-tight plastic wedge would explode", such assertion is merely a matter of opinion without any evidence to support it. It is submitted that the combination of Gordon and Blair is capable of performing such function.

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In response to applicant's remarks that "because it constantly leaks air and requires constant air to maintain the support system", it appears that applicant attempts to recite the claimed invention for it does and not what it is. There is no specific structure in the claimed invention to perform such function. The above explanation of the combination of Gordon and Blair meets all of the structural features as set forth in these claims. Although the inflatable structure of Gordon is capable of being constantly leaking air by thermal expansion and contraction. There is nothing in the limitation "an inflatable structure of a type that constantly leaks air" that limit how long and how much the air is leaking out of the structure.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kien T. Nguyen  
Primary Examiner  
Art Unit 3711

Ktn